IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.524 of 1998

Between:

1 S.Mahaboob Basha, S/o K.S.Syed Sahed.
XVI-287 Ramakrishna Street Lane, Mandanapalle 517 325.
2 S.Abdul Basha S/o K.S.Syed Saheb,
XVI-286 Ramakrishna St.Lane, Madanapalle 517 325
3 S.Kohinoor W/o S.Mahaboob Basha,
XVI-287 Ramakrishna Street Lane, Mandanapalle 517 325.
4 S.Sulthana Begum, W/o S.Abdul Basha
XVI-286 Ramakrishna St.Lane, Madanapalle 517 325
5 S.Ghouse Saheb S/o S.Ibraheem Saheb,
Ramakrishna Street Lane, Mandanapalle 517 325.
6 S.Moin Taj, S/o. S.Pyarajan,
N.G.OS. Colony, Caddapah.
7 S.Mansoor Ahmed S/o Mohamod Miyaan,
20/348, Devuni, Cuddapah Road,
Cuddapah.
8 G.Faybunnissa, W/o G.Gulam Ali Saheb
XVI-160, Sreeramulu Govindappa St. Madanapalle.
9 S.Akbar Shareef S/o S.Mahaboob Shareef
58 K 6 Apparao Garden, Madanapalle.
10 K.Satish Kumar S/o Janakiram
R/o D.No.IV 190 Avenue Road, Madanapalle.
11 K.Vijaya Kumar S/o Janakiram
R/o D.No.IV 190 Avenue Road, Madanapalle.
12 K.Sujatha D/o Janakiram
R/o D.No.IV 190 Avenue Road, Madanapalle.

..... PETITIONERS

AND

1 The District Collector,

Chittor District Chittoor.

2 The Sub-Collector-cum-Land Acquisition Officer,
Madanapalle, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the notification issued by the 1st Respondent Under Section 4(1) of the Land Acquisition Act Published in A.P. Gazette No. 65/97 dt:26-8-1997 to the extent of the lands of the petitioners Viz. 971.66 Sq.Yards, 791.66 Sq.Yards, 242.77Sq.Yards,242.77Sq.Yards,121.38Sq.Yards,121.38Sq.Yards,242.77SqYards, 1211 1/3 Sq.Yards,1346.29 Sq.Yards, in Survey No.718/2 of Basini Konda Village, Madanapalle Mandal, Chittoor District as illegal and arbitrary.

Counsel for the Petitioners: MR.D.KODANDARAMI REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 524 of 1998

Oral order:

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition for the respondents.

Assailing the notification issued by respondent No.1 under Section 4(1) of the Land Acquisition Act, 1894 published in A.P. Gazette No. 65 of 1997, dated 26-8-1997, seeking to acquire the lands mentioned therein, including the lands of the petitioners, the present writ petition is filed.

When the matter was taken up for hearing, it is submitted by the learned counsel for the petitioners and admitted to by the learned Government Pleader for Land Acquisition for the respondents that a similar writ petition in W.P. No. 33862 of 1997, which challenged the notification in question, was allowed by this Court by judgment dated 24-6-1999, and in view of the same, this writ petition has to be allowed.

In the circumstances, following the judgment in W.P. No.33862 of 1997, dated 24-6-1999, and for the reasons mentioned therein, this writ petition is allowed and the impugned notification dated
26-8-1997 is quashed. This order, however, shall not preclude the respondents-State authorities to take de novo steps to acquire the same land in accordance with law. While communicating this order, the office shall communicate a copy of the judgment in
W.P. No. 33862 of 1997, dated 24-6-1999. No costs.

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N.V. RAMANA, J.

Date: 24th March, 2005.

KSR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Thursday, the Twenty Fourth Day of March, Two Thousand and Five.

ASSISTANT REGISTRAR

To

1 The District Collector,
Chittor District Chittoor.
2 The Sub-Collector-cum-Land Acquisition Officer,
Madanapalle, Chittoor District.

3 Two CCs to GP for Land Acquisition, High Court Buildings,

Hyderabad (OUT)

4 Two CD copies

5 1 CC to MR.KODANDARAMI REDDY

Enclosed along with copy of judgment dated 24.06.1999 made in WP No.33862 of 1997 to R1 to R4.